

PACIFIC WEEKLY

A WESTERN JOURNAL OF FACT AND OPINION

SEPTEMBER 9, 1935



TOM MOONEY AND THE COURTS

BY A. L. WIRIN

MR. ROTH OF STANFORD WRITES A LITTLE LETTER

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THE THEATER

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PACIFIC WEEKLY

A Western Journal of Fact and Opinion

VOLUME III

MONDAY, SEPTEMBER 9, 1935

NUMBER 10

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NOTES AND COMMENT

AN OPPORTUNITY

WITH Redfern Mason, president of the San Francisco Newspaper Guild, as its candidate for Mayor of San Francisco, the United Labor ticket plans a vigorous campaign to arouse the voters of the city to a realization of their opportunity. Here's a chance to give the capitalist-controlled government a shock. The nominees so far chosen, besides Mr. Mason, are Herbert Mills, of the Sailors' Union of the Pacific, for sheriff; Tanna Alex, of the Utopian Society, for district attorney; George Andersen, attorney for the International Labor Defense, for municipal judge, and Henry Schmidt, of the International Longshoremen's Union; Anita Whitney, of the Communist Party, and Evan Wattles, of the Democratic City Council, for supervisors. Other candidates to make up a full ticket will be decided on by the Ratification Convention on September 22.

FORCED LABOR

PRESSURE has won again—pressure of the big employers, growers and bank-dominated farmers, who are trying to introduce into American America the alien standards of coolie wages of backward China, peon Mexico, fascist Italy and Germany. The SERA director of San Francisco, John H. Small, has taken 500, and is to take 5,000 men altogether, off relief rolls in San Francisco and put them to work picking hops in Sonoma and Mendocino counties—the two counties “facing a serious labor shortage” after vigilantes terrorized the workers last month so that they up and left. Apple picking was paid for at 25 cents an hour. Mr. Small announces that single men will be sent into the fields, their transportation generously paid for; Mr. Small “is informed” there are housing and sanitary facilities. He announces no raise in wages. The conclusion is therefore that the relief workers are being forced into the fields at low wages that will keep wages low. Regular migratory workers would be picking now if a living wage were paid.

Mr. Small makes the ingenuous announcement that “the order does not oblige men to go to the agricultural areas where a serious shortage exists, but they will receive no relief until

the harvest is over”. He also states the men will be taken back on relief when the harvest is over. Will they if they agitate in the fields, too, Mr. Small?

ENGLAND DELETES KROMER

TOM KROMER, who writes practically exclusively for PACIFIC WEEKLY in the magazine field, has been awarded a singular honor in England. His book, *Waiting for Nothing*, has just appeared there with an introduction by Theodore Dreiser and with Chapter IV entirely deleted; instead of it a 5-page colored insert appears with an explanation by the publishers, Constable and Co. They say the chapter (in which Kromer tells how he went home with a “queer” just for the room and food) was “unusually outspoken for an English book” and they have cut it out “with reluctance and shame”. But “that is how things are in England these days”.

ONE SOUR NOTE

OUTLOOK for workers in U. S. is Bright.” That's what the headlines said on Labor Day. In the news story following, a government official pledged “fair play” in labor arbitration. John L. Lewis said “the nation is recovering”, and William Green praised the “social justice” of the Administration and claimed that “unmistakable signs of a business revival have appeared on the American scene”. But all of these orators seem to have left out of their speeches one of the most hopeful factors for Labor in the present situation. Harry Hopkins, who heads the relief organization of the country, supplied that factor in his recent report, saying that more than 23,000,000 Americans (which is nearly one-fourth of the population) are dependent upon charity for their existence. These figures, Hopkins added, are up 2,000,000 from 1933, when the New Deal came into power.

A WONDERFUL LABOR LEADER

THE Hearst paper for September 3, in its usual editorial praising “responsible” conservative labor leaders as opposed to the “irresponsible” Lefts, hits the peak for irony. It calls Andy Furuseth a “wonderful labor leader”. Yes, Norwegian Andy was; he went to sea at twelve; he is 80 now. All that long life he fought for seamen, he lobbied for them in Washington, he won for them many victories. Seamen were not allowed off their boats in ports when Andy went to sea; they couldn't get their wages before disembarking; they had no organization. Furuseth worked hard, long, faithfully and selflessly for the sailors he loved; he built their trade union. Now Andy has been passed by; with the Diesel motor and the airplane have come other days of political organization, and the union he built and loved has been taken over by untrue and corruptible men; men who care to have their own salaries raised like Ryan last month, seven thousand a year, when the workers in America are facing starvation wages. So Andy no longer understands. But he was once a fine and

devoted leader—and hated and loathed by the very men who now call him wonderful! Persecuted, reviled, arrested and imprisoned—reviled in exactly the way Bridges and Darcy, Pat Chambers and Alex Noral are hated today.

Once when Andy Furuseth was facing a prison term Fremont Older asked him about his feelings.

"It doesn't matter," said Andy, "even if they put me in a cell, I can't have a smaller room than I have always lived in, I can't eat simpler food than I have always eaten and I can't be any lonelier than I have always been." Older always quoted this.

A wonderful labor leader, Mr. Hearst—once. Why didn't you discover it thirty, forty, fifty, twenty years ago, when he was? Why wait until he, by a sad trick of late age and misunderstanding, has thrown in his lot with the untrue, disloyal and selfish leaders?

THE SINCLAIR CHECK

UPTON SINCLAIR once wrote a book exposing the capitalist newspapers and their news distortions and suppressions, called *The Brass Check*. Mr. Sinclair runs a newspaper called *Epic News*. A recent issue devoted to the various tickets of the various parties in the field for the municipal elections made no mention whatever of the United Labor Party ticket. Just as if it didn't exist.

Mr. Sinclair's *Epic News* also made no mention whatever of the PFU congress in Santa Monica. Could it be that Mr. Sinclair is Brass Checking those movements, tickets, congresses he doesn't like because they threaten his EPIC?

GOOD PLAY: GOOD PURPOSE

THE two productions of *Peace on Earth* in Berkeley September 27 and 28 will aid in enabling a large number of men and women to attend the Workers' Summer School at the University of California next year. The cast which produced the play in San Francisco has volunteered to give the two performances as a means of providing scholarships for Workers' School students. Both the play itself, which created a sensation in San Francisco, and the fine purpose for which it is being presented should assure full houses at both performances in Berkeley.

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MARK TWAIN'S WAR PRAYER

O LORD our God, help us to tear their soldiers to bloody shreds with our shells; help us to cover their smiling fields with the pale forms of their patriot dead; help us to drown the thunder of the guns with the wounded, writhing in pain; help us to lay waste their humble homes with a hurricane of fire; help us to wring the hearts of their unoffending widows with unavailing grief; help us to turn them out ruthlessly with their little children to wander unfriended through wastes of their desolated lands in rags and hunger and thirst, sport of the sun flames of summer and the icy winds of winter, broken in spirit, worn with travail, imploring Thee, for the refuge of the grave and denied it—for our sakes, who adore Thee, Lord, blast their hopes, blight their lives, protract their bitter pilgrimage, make heavy their steps, water their way with tears, stain the white snow with the blood of their wounded feet! We ask of one who is the "spirit of love" and who is the "ever faithful refuge and friend of all that are sore beset", and seek His aid with humble and contrite hearts. Grant our prayer, O Lord, and Thine the praise and honor and glory now and forever. Amen."

LINCOLN STEFFENS SPEAKING--

IT'S FUNNY how fast they slide when once they start to slip. Sinclair, for instance. There's a good man, a life-long idealist and Socialist. One day he lost his patience and it occurred to him that he might lead the way to Socialism by way of the Socialist slogan "production-for-use" in the Democratic party. The uneducated discontents joined him, followed him to a record of nearly 800,000 votes. Sinclair takes his eight hundred thousand unhappy democrats to Mr. Jim Farley and makes a bargain for production-for-use by Democrats. By Democrats who don't understand or believe in it. As Upton Sinclair knows and understands, Sinclair, the sincere Socialist who has learned and taught the necessity and uses of education and discipline in politics. He should be telling me this, not I him. I can't; Farley may. Then Upton Sinclair will have a new book—on Bolshevism, which Socialists have never understood.

WHAT! DOES Haile, that son of the son of Solomon, imagine that oil is our price? That a bribe to American and British oil companies, a gift of half his kingdom (the half with its unexploited oil) will take away Mussolini's motive for war and bring us in on the Ethiopian side? Where and how does this ancient black emperor get his pale contempt for us civilized people? We must find some way to tell this savage that we wage war as we practise art—always for art's sake. I am sure Mussolini is after half of Africa, not oil; glory, not profits. I guess the Fascist dictator is more concerned to give jobs to and get rid of his unemployed. The unemployed are apt to be Reds, and strike, and vote, and—everything.

LET'S NOTE in passing that the most war-like governments of Europe are Fascist Germany and Italy, and the superficial

reason in both cases is that they cannot deal with their depression. As capitalist regimes they cannot solve our problem. And Soviet Russia does. Soviet Russia employs all its people in the production of wealth (and art and science) and it distributes its products to all with increasing equality. We really ought to withdraw our recognition of Soviet Russia and speak only to our peers: Germany, Italy, Ethiopia and our like.

SAN FRANCISCO IS showing originality. Committees of One Hundred to act with employers and keep the workers from raising wages and their own self-respect in strikes are old now, so the leading citizens of our metropolis have thought and thought till now they have invented a Committee of One Thousand. And not only strikes and labor troubles, they are going to face graft. And not only graft in politics, but in business, too. Hard to believe, this. When I recall how an exposure of such remote evils as prostitution, horse-racing and petty gambling aroused Chambers of Commerce to cry out that we reformers were "hurting business", I cannot but wonder how long and how far these Thousand young business men will be allowed to go. Not far, I ween. Not long.

WOULDN'T WE be better off if we recognized that graft IS business, that business is graft and come right out for the graft we are after, like honest, intelligent patriots? The French do it. The English and the Americans, as a race, cannot, only the big exceptional individuals are able to get their intelligence and their honesty together and these honest crooks have such an advantage that as patrons, philanthropists, and as regents they insist upon our system of education that produces dubs and hypocrites for their markets.

HEARST HAS begun to tell us what parties and what candidates to prefer for our next presidential election. He also desires a new party; as I do. But he turns away from Hoover, Republican, and toward Smith, Democrat, while I stand for Hoover and Hearst—Hoover for the G. O. P., and William Randolph Hearst for the Democrats. But then, I am for what Hearst is against, the revolution.

THE INTERNAL Revenue Department is cracking down upon the use of the income tax information to expose policemen who get rich on small salaries, bandits who do robbery for profit and other selfish officials who stand for law and order. I am for that. It hurts business to penalize men for success. When a man has made money—no matter how—a man and his wife and children should have security, if not honor.

RICH MEN and especially the sons and daughters of the rich, who know or suspect that I know how their riches are made, often slight me or as they would say, they "cut me" when I meet them socially. It's bad enough to bring business up in society, but—graft, never. It's just as if I were an honest man myself. They should have, as I have and as their fathers had, the courage of a grafter. A social system in which people knew and acknowledged that graft was the end of our efforts and virtues might be very pleasant indeed. But this shame is shameful; blushing is red.

SOVIET RUSSIAN officials lean over backward in their refusal to have anything to do with the members of the American Communist Party. This may be all right diplomatically; the Comintern and the Soviet government are separate. But one of the jobs of a diplomatic corps is to understand the

foreign governments and peoples they are assigned to and I find that the officials of the Communist Party in the United States know and understand us Americans. I often go to them for a political steer. They have the history and the insight we Americans lack. They have the objectivity and wisdom needed to point up observations. During our depression, communist leaders with their training in the Marxian philosophy could often predict our markets and politics. They really are wise guys. And the Soviet officials lose a lot of Americanism by neglecting their experience and comprehension. They are about the clearest Americans I know, Americans, I say. Sam Darcy, for example, is a wizard in many lines. Our economic experts may know as much about American business, but they don't say it, don't dare, I guess.

BETTER HOLD the Communist Internationals in America hereafter, or China, where the Soviet Government cannot be blamed for the party reports of fact.

WHY SO snooty at Congress? It's a representative body, isn't it? Represents our state of mind pretty well, I think. "Let me call you Sweetheart."

THE PRESIDENTIAL campaign, beginning early, bids fair to bring out the best thinkers in both or all parties on the Capitalist side. There are two sides to every question, however, and while we are watching for brains among the anti-brain trusters in vain, the workers and farmers might form a party and throw up some ideas. A Labor Party would have some, if there is anything in a name. I recall how I used to go boldly unprepared to meetings of chambers of commerce, but demanded time for a labor crowd and I knew others who did the same.

PEOPLE WHO deserve it always believe in capital punishment. And I don't mean convicts.

SWEARING BY males is out; profanity is effeminate. The women do it all these days. They will chew tobacco next, and spit. With my manly consent.



BIRTH

SOON will appear persistent fires,
Flaring till each separate gleam,
Burning with betrothed desires,
Joins to whelp titanic dream.

From mill and mine the men that labor,
Strangling bitterly in sweat,
Shall counter saber-thrust with saber,
And more than that, with amulet

Of blood and powder, science, song,
Shall topple mountains, cease to wonder
At their strength, or to prolong
The great remaking born in thunder!

—PETER QUINCE

MR. ROTH OF STANFORD UNIVERSITY WRITES A LETTER

ALMON E. ROTH
STANFORD UNIVERSITY
CALIFORNIA

Dear Sir:

I AM taking the liberty of addressing you on a subject which I deem of utmost importance.

The recent gubernatorial election brought home to every thinking person the fact that California can be easily swept to economic ruin by irresponsible molders of public opinion, unless responsible people maintain an active defense.

It was only through the desperate exertions and the most liberal financial expenditures of a comparatively few men that our State was saved from falling under complete control of those who advocated a Socialistic and, in many ways, a Communistic form of government. We must face this problem squarely in order to avert a repetition of the peril which confronted us last November. It is our duty as good citizens to subordinate every other interest to the high responsibility that faces us in this grave situation.

Those who desire to support government upon constitutional principles administered with economy, intelligence and integrity for the benefit of the whole as against class or group, and to protect it against the assault of political doctrines alien to this country are, of course, a great majority, far outnumbering all other groups. But they are not organized. They do not act in concert. They are scattered and helpless. And so the State, themselves, their homes, their liberties, their business and their property become the prey of organized minorities. Those minorities are effective only because they are organized.

Fortunately we have in California an organization admirably fitted as a rallying point for the forces of good government. That organization is the California State Chamber of Commerce. At the recent election it secured the enactment of four measures calling for better administration of justice. One of these measures, Constitutional Amendment No. 4, giving to the Attorney General the power of uniformly and adequately enforce (sic) laws in the various counties of the State, has already proved effective in the recent trial of Communists in Sacramento.

The State Chamber of Commerce through its Councils covering all sections of California proposes, hereafter, to vigorously combat (sic) all subversive influences that threaten to overthrow our government and, as opposed to such groups, it will bring influential citizens in every community into a movement to secure the elections of sound, honest, right-thinking Americans to offices of legislative and administrative responsibility. With the right kind of men in public office we have nothing to fear.

It would be more desirable if the Chamber could make an even more definite statement of its plans of procedure but I think the above outline gives you an idea of the basic principles on which it will work. As we go along in our efforts we will visualize the complexities of the task and will adjust our actions accordingly. This is one of those situations in which someone must be trusted. Suffice to say, the Chamber,

through its Board of Directors which serves without compensation of course, will deal with the problem from an unselfish, non-partisan, fearless standpoint.

The effectiveness of the work which the Chamber must do must necessarily be in direct proportion to the funds that are made available. Funds for this purpose can be obtained only through voluntary contributions. Such contributions are fairly to be regarded as an insurance premium against the ruinous losses which otherwise will result from widespread economic destruction at the hands of political incompetents.

It is hoped that you will regard this as a subject worthy of your serious consideration and that you will evidence your sympathy and interest in the success of the movement by subscribing, say, \$250.00 to a fund to be turned over to the California State Chamber of Commerce.

Very truly yours,

(Signed) ALMON E. ROTH, Director
California State Chamber of Commerce

IN THE MANNER OF A REPLY

MY DEAR Mr. Roth:

I don't know you, but I think you're wonderful—I mean, as a letter writer, as a circular letter writer who figures that the particular merit of his appeal should get better than the average two per cent return in impressing various persons of his acquaintance with the need for parting with the modest sum of, "say, \$250.00" each. You didn't send me this letter—it fluttered into my hands, so to speak—but let me assume that you did. I want so much to write to you and explain why I can't send the \$250.00.

Your letter impresses me deeply. It is so clear as to phraseology and purpose and your premises and arguments are so good. You explain the recent gubernatorial election in such a concise and positive manner that I realize how wrong have been all my conceptions about it. Little did I realize that nearly 900,000 citizens of California had been deluded by "irresponsible molders of public opinion" and how clear to me now is the fact that you and Mr. Merriam and Mr. Hearst and Mr. Schenck and Mr. Mayer were "responsible people" who were maintaining an "active defense" against permitting our state to be "swept to economic ruin". How nice it is that you did save it and thereby established the prosperity and economic security which we now enjoy in a broad sweep from Siskiyou to San Diego.

I like to know that they were "desperate exertions" you gentlemen resorted to. I had been thinking of them as better described by other "d" words—such as "despicable" or "detestible"—but you being there at Stanford your vocabulary is better than mine and you hit on just the right word with just the right shade of meaning—"desperate".

Then, too, I am glad to know about the "most liberal financial expenditures of a comparatively few men" in that campaign. I suppose you would use the word "liberal" in connection with an \$11,000,000 fund, but it isn't exactly the adjective that occurs to me in relation to it. But I do think that you could have made your letter perhaps more effective

by naming those men who made this "liberal" expenditure. Probably you didn't on their request; they being modest men, somewhat in the nature of heroes, not seeking publicity for the good things they do. And although your letter doesn't mention it—you didn't have room, perhaps—it would have been interesting to your prospective donators to have the details about the collection of this "liberal" fund. You know—down in Hollywood, for instance, where the movie employees were "requested" to make contributions. That showed how Mr. Merriam and Mr. Mayer and Mr. Warner wanted to make the donations sort of democratic.

Your mention of the measures your State Chamber of Commerce got through at the last election for the "better administration of justice" is an awfully good and telling point, especially where you say: "One of those measures, Constitutional Amendment No. 4, giving the Attorney General the power of uniformly and adequately enforce (sic) laws in various counties of the State, has already proved effective in the recent trial of Communists in Sacramento."

That was a fine big thing you fellows did up there in Sacramento, showing those labor-wage raisers that they couldn't sweep our state to "economic ruin". You gave Attorney General Webb the power to dump them into jail and now, using your new constitutional amendment again, he can go right after those tar-and-feather criminals in Santa Rosa and dump them into jail, can't he? If I had the \$250 I would send it to you just because you have made that possible. By the way, have you written to Mr. Webb and reminded him of that constitutional amendment lately—that is, since the Santa Rosa case?

I see a peculiar significance in your statement that the State Chamber of Commerce will "secure the elections of sound, honest, right-thinking Americans to offices of legislative and administrative responsibility. With the right kind of men in office we have nothing to fear."

From no one in the state could such a statement come better than from the comptroller of Stanford University. Good old

Leland Stanford, there was a "sound, honest, right-thinking American of legislative and administrative responsibility"! He went to the United States Senate and saved the Southern Pacific Com—(pardon me) the state of California from being "swept to economic ruin", didn't he? And you and I know just how he did it—or maybe you don't. I'll tell you so you can add something to your pride in your job and your university. He did it through buying the votes of state legislators who, too, were "sound, honest, right-thinking Americans of legislative and administrative responsibility", sitting up there in Sacramento. You can use this information pridefully on my authority, and it's good authority, because it was my father, later somewhat famous as "Old Pard" Bassett, who carried the money up there to Sacramento in a little black bag and paid it over for the sufficient number of votes to send your university founder to Washington to save the Sou—(there I go again) I mean, the state from economic ruin. My father was the confidential agent of Leland Stanford for many years.

And Stanford did. He kept the Southern Pacific's control of California intact for many years and left it as a heritage to Collis P. Huntington who kept it even intact until Hiram Johnson, who was once considerable of a man, pried the two asunder.

So, all in all, I think your letter is fine, especially fine as coming from you. And although I can't send you \$250 I am sure that enough people will, so that you won't have to resort to such "desperate exertions" in the next election and that your "liberal financial expenditures" won't have to come from only a "comparatively few men". More power to you and your State Chamber of Commerce and don't forget to write to Mr. Webb and remind him of that constitutional amendment and a few other constitutional amendments that could help him in the Santa Rosa business.

Yours very truly,

W. K. BASSETT

+

TOM MOONEY AND THE COURTS

BY A. L. WIRIN

If perjured testimony be produced, or material evidence suppressed (by the prosecuting officials) insofar as the judgment is concerned, the injured party (Tom Mooney) is without remedy.

—The Supreme Court of the State of California in *People vs. Mooney*, July, 1918.

If a state has contrived a conviction, through the pretense of a trial, which in truth is but used as the means for depriving a defendant of his liberty through a deliberate deception of court and jury by a presentation of testimony known to be perjured, such a contrivance is as inconsistent with the rudimentary demands of justice,

as is the obtaining of a like result by intimidation.

—The Supreme Court of the United States in *Mooney vs. Hollohan*, warden of San Quentin's Penitentiary, January, 1935.

TOM MOONEY, America's political prisoner number one, is back again in the Supreme Court of California; he has been there before—five times, to be exact—but it seems that he has never before invoked the particular legal "remedy" now used by him, the ancient and "honorable" writ of habeas corpus. Justice Holmes had declared, and Mooney is now contending, that "habeas corpus cuts through all forms and goes through to the very tissue of the structure

... and although every form may have been preserved (it) opens the inquiry whether they (the proceedings) have been more than an empty shell".

This high "prerogative" writ Mooney hopes will pierce through the shell of all former proceedings and strike at the core of an unjust imprisonment of nineteen years.

Mooney had filed a petition for writ of habeas corpus before the Superior Court of Marin County, the county in which is located San Quentin Penitentiary, Mooney's legal "residence". Judge Edwin L. Butler denied the petition without comment. An appeal to the District Court of Appeals brought only another summary denial. And now an appeal from these lower California tribunals has been filed in the highest court of California. In these habeas corpus proceedings Tom Mooney makes charges of grave official misconduct by the law enforcement authorities of San Francisco, charges often made before; charges now well known to the labor, liberal and radical world. He claims to be denied "liberty without due process of law" as guaranteed by the Fourteenth Amendment to the Constitution of the United States through an unlawful, deliberate and intentional plan carried out by the then authorities of San Francisco on the one hand to suppress and conceal evidence tending to prove his innocence, and on the other, to produce known perjured testimony against him so as to convict him of a crime of which he was known to be wholly guiltless in order to get him out of the way because the powerful public utility interests wanted to get rid of a militant, fearless labor leader.

Why has Mooney returned for "justice" to the courts of the State of California? Had not these courts from the lowest to the highest many times and without exception turned a deaf ear to his pleas and appeals?

He has now returned because the Supreme Court of the United States in effect told him to. To be sure, the highest court in the land in January, 1935, denied Mooney's petition for habeas corpus filed in the Federal courts; even as it had in 1918 refused to consider his appeal from the decision of the Supreme Court of California then affirming the death sentence. At that time the United States Supreme Court without a word of dissent, denied the appeal. The court apparently considered the matter not even worthy of an explanation, for no opinion or memorandum accompanied its summary action. But seventeen years later the entire court, this time again without dissent, apparently considered the case of sufficient importance to require an opinion—and its decision is turning out to be a very noteworthy landmark and significant advance in the struggle for personal liberty in the Supreme Court. Although it once again denied Mooney's plea for freedom, this time it did so "without prejudice". In 1918 Mooney made the same charges against the officials of San Francisco of 1916 as he made in 1935. Then the Court completely ignored them; now it seemed to go out of its way to criticize the position of the prosecuting authorities of California, and to repudiate in rather vigorous language a theory which District Attorney Charles M. Fickert had foisted upon the California Supreme Court—namely that a defendant convicted on perjured testimony known to be such by the prosecuting officials was without legal remedy, and that all a defendant was entitled to under the "due process clause" was notice and a hearing. To this legalistic contention the Supreme Court declared:

We deem it sufficient for the present to say that we are unable to approve so narrow a view of the requirement of due process. That requirement in safeguarding the

liberty of the citizen against deprivation through action of the state embodies the fundamental conceptions of justice which lie at the base of our civil and political institutions.

It decided, accordingly, that a contrivance by state officials to secure a conviction through known perjured evidence constitutes an infringement of fundamental constitutional rights which the Federal courts will not tolerate. But Mr. Mooney had turned to the Federal courts for relief too soon, the Court ruled; he had not resorted to the writ of habeas corpus in the California courts and therefore had not yet exhausted his remedies in the state courts. "Upon the state courts equally with the courts of the Union, rests the obligation to guard and enforce every right secured by the Constitution," it declared, and it denied Mooney's application "without prejudice" to apply anew in the event the California courts again failed in the obligation resting upon them to protect Mooney's constitutional rights to be free from a legal frame-up.

In 1935, accordingly, time and a change in personnel of the Supreme Court (Justice Hughes, Cardozo, Stone and Roberts had been added since 1918) had brought a change in attitude toward the Mooney case.

There are those who say that at last the highest court in the land has shown Mooney the way out of San Quentin; that although it refused to unlock the prison gates for him it has in any event handed to Mooney's indefatigable and resourceful counsel the key that will bring ultimate freedom to America's "Dreyfus".

However that may be, it is this opinion of the Supreme Court that has sent Mooney back, quite unwillingly, to knock again at the "bar of justice" of the California courts.

In the five times that Mooney's case has been before the Supreme Court of California, that court has found different reasons for denying him his freedom.

On the first occasion, in August, 1917, the Attorney General of the state, General U. S. Webb, filed with the court a consent that a new trial be granted, after the trial judge, Franklin J. Griffin, apprised of Frank Oxman's perjury, had urged that step. The court ruled that the action of the Attorney General was not formal enough; and that in any event written notice should be given to District Attorney Fickert.

The following month the case came up again, this time upon a formal motion. Now the court decided that the Attorney General had no authority to consent to a new trial and that the courts were not bound by it.

In March of 1918 the case reached the court on the formal appeal. Now the court considered the case "on its merits"; it affirmed the judgment and ruled that the "evidence supported the verdict"—of death.

In July, 1918, the court considered the case once again, this time upon the charges of misconduct on the part of the San Francisco law enforcement authorities. It was on this occasion that the court ruled that despite such misconduct, under California law, "the defendant was without remedy", and re-affirmed Mooney's death sentence. It was to this decision that ex-President Hoover's Wickersham Commission in its formal report on criminal procedure referred when it declared, "Such a state of the law is shocking to one's sense of justice."

Thus the matter stood insofar as the California courts were concerned until Warren K. Billings applied for a pardon in 1930. Governor C. Young referred the application to the

Supreme Court for its recommendation and announced that he would follow its advice insofar as the Mooney case was concerned. Again the court considered the entire case, took the testimony of numerous witnesses including John McDonald and Fremont Older and wrote the longest opinion in its history—a decision covering 116 pages of its official printed reports. Justice William H. Langdon, a member of the court, thus commented on the opinion:

"Considered either as an argument of an advocate or as a judicial review of the evidence, the consolidated majority report is unsound and indefensible. It is unsound because its conclusions are not founded upon established facts. Suspicions, conjectures, unwarranted inferences, irreconcilable inconsistencies, and admitted perjuries are treated as facts. It is indefensible because it appeals to passions and prejudice."

It was in the course of this decision that one of the members of the court, Mr. Justice Richard, delivered himself of the following:

We therefore declare the foregoing statement of our former conclusion (concerning the "integrity and propriety" of the conduct of the San Francisco prosecuting officials) to have been absolutely and unqualifiedly established. We place emphasis upon this result for the reason that for the past several years there has persisted, with direct reference to the case, a widespread propaganda of misrepresentation and falsehood affecting the integrity and official conduct of the San Francisco officials in their investigation of and effort to apprehend and punish the perpetrators of this most dastardly crime, and which propaganda of misrepresentation and utter falsehood we earnestly trust will now and forever cease.

In any event, despite this fiat, the campaign for the release of Tom Mooney did not cease. On the contrary, it continued and grew. Though frowned upon by the California authorities it had received much encouragement from federal authorities and was about to receive additional impetus from a new federal source.

For, in addition to the comment on the case by the Wickersham Commission already mentioned, a thorough-going study was made by one of its sub-committees consisting of Prof. Zechariah Chaffee, Jr., of the Harvard Law School; Walter Pollack, outstanding New York attorney, and later counsel in the Scottsboro cases; and his equally distinguished law partner, Carl S. Stern. This sub-committee, interested in the lawless enforcement of the law, concerned itself not with the innocence or guilt of Mooney and Billings, but solely with the fairness of the prosecution.

The committee found all of Mooney's charges of official misconduct to be substantially true.

The committee recognized that the courts of California had taken a diametrically opposite position on the subject. It said:

The question is essentially the same question upon which the Mediation Commission (appointed by President Wilson to investigate the Mooney case) passed and which Mr. Densmore's report to the Labor Department was designed to elucidate. It is a question so grave that the Justices of the Supreme Court of California twice thought it their duty to express themselves upon it . . . The conclusions upon this issue of unfairness to which the federal authorities twice came, and to which the majority of the California Justices twice came cannot be reconciled.

The committee agreed with the Mediation Commission, of

which Felix Frankfurter of the Harvard Law School was the moving spirit, and which had declared:

We find in the atmosphere surrounding the prosecution and trial of the case, grounds of disquietude . . . the terrible and sacred instruments of criminal justice were, consciously or unconsciously, made use of against labor by its enemies in an industrial conflict . . . the feeling of disquietude aroused by the case must be heeded, for if unchecked, it impairs the faith that our democracy protects the lowliest and even the unworthy, against false accusations.

Now in 1935, the Supreme Court of the United States is apparently inclined to agree with the federal authorities that have heretofore investigated the Mooney case and to reject the conclusions consistently arrived at by the courts of California. It may be that the highest court in the land is giving the California courts "one more chance" to do justice and obey the constitution; that if the courts of California won't, it will.

Will the Supreme Court of California take the cue and save California the humiliation of a possible release of Mooney by the highest court in the land? Thus far the California courts, including a District Court of Appeals, have ignored the implied "threat" of the United States Supreme Court; they have acted as California's courts always have in this case. Will the members of the Supreme Court of California now conquer the "passion and prejudice" against Mooney and Billings which one of their own members but recently vigorously denounced?

As to what will happen in the courts, state and Federal, a layman's guess is as good as a lawyer's. Has the key been found at last and will it open the gates to freedom for Tom Mooney? In any event, one of San Quentin's lifers lays his hopes on another key. "Only the organized protest of the working class, not only of America but of the entire world, will free me; and only when the courts of California and of the United States realize that they cannot resist further the demand of the organized masses of the world for my freedom will they open these gates for me," says Thomas J. Mooney.



—GRETCHEN

YOU CAN'T PUT ME IN JAIL

BY OWEN B. SHOEMAKER

YOU CAN'T put me in jail."

That's what I told the suave Mexican policeman at Santa Fé, New Mexico. Oh no! But I was put in jail just as were thousands of others who had made the same futile remark on a thousand similar occasions. It was the first run-in with the law I'd ever had and, as is always the case with first offenders, I just could not picture myself being behind bars.

I had been beating my way to California. Freight trains were pretty rough and dangerous for a novice so I had been trying my luck on the highway with a twitching thumb and a hopeful heart. Along came a ride. A large car with a smooth-looking fellow driving. We rolled into Santa Fé—but not out. For there was a police car tailing us before we'd gotten half-way out of town. Damn my luck! It was a stolen car and I was taken to the city jail and booked as an accessory. My story was honest and straight. I thought it was convincing. But the best alibi in the world is no good to the police if you don't have good clothes, money or influence to back it up with. So I was shoved into a cell for a twenty-four hour hold-over pending investigation.

I looked over my quarters, and tried to smile and make light of the situation. But the minute the iron door was locked behind me something happened to me. I mean inside me. The disgust and anger which had been my first feelings began to slowly change to a sort of hardness—toughness—meanness. Fine homes and luxuries make people soft. And concrete floors and iron walls make people hard. My first time in jail but I was already beginning to get suspicious—distrustful—and antagonistic toward my keepers. They'd put a blot on my record. They were punishing me when I had done nothing wrong. They were proving to me that "liberty, equality and justice for all" were just words to teach to school children and meant nothing when fellows like me were concerned.

I looked around to see where I could sleep. There's the bed. It's an iron shelf swung from the wall. These shelves are built one above another and there are two on each side of the twelve-foot cell. There was one filthy blanket on the bunk and, of course, no pillow. Poor place to sleep—light too dim to read by even if there were something to read—really nothing to do but sit and wait—wait and sit. The daylight hours passed slowly, but after dark and lights are put out time seems to stand still. Ventilation of any sort is lacking. Odors—nauseating odors—of dirty human bodies and open toilet bowls, which are rarely de-odorized, fill the air. It is stifling—sickening—horrible. I seem to feel this atmosphere penetrating into my body—into my innermost self. Sleep would shut this all out temporarily but sleep comes only after hours and hours of fitful, dragging wakefulness.

Shortly after dawn the jailer shoves a tin plate of breakfast through the small peephole found in the wall of each cell. That's a break, because the vagrant doesn't usually get any breakfast in jail. Breakfast over and all who are to be released line up, receive their personal belongings and are allowed to go with a warning "get out of town—next time we may keep you here".

Glad to be out—me? Why, I'd do most anything to avoid a repetition of that confinement. It was, admittedly, only a

mild taste of jail life, but enough to make me want to cross to the opposite side of the street if I even saw a jail ahead.

But once a guy's been in jail it always seems easier to get back in again. Jails are about the only really democratic institutions left in America, I think. For any poor devil can get in at any time whether he's done anything or not. Especially so if he has done nothing. Hell yes! That's right.

And here I am in the tank again. I'm at Ventura. Got in on a freight late on a raw, foggy night and was wandering hopelessly around town trying to find a place to curl up and keep warm. I found it. The city cop took me in tow on the main street and shot the usual questions at me, "Who are you—where do you live—do you work—what's the idea of prowling around the streets this time of night?" He knew all the answers before asking me. I told him "Give me a chance—not jail—I'll keep moving—anything but jail." Again he knew the answer. I went to jail.

The Santa Fé jail was a hotel compared to this one. There was the same filth and odors here—and more of them. The same damned iron bunks with not even blankets enough to go around. And the "room clerk" evidently couldn't or didn't care to count, for there were several more guests than bunks available. What did they care—let the rabble double up—let them go to hell. A "vag" gets used to out-scuffling the other fellow. Suddenly I saw my chance. A drunk toppled out of his bunk and rolled onto the floor. I took possession of the bunk before he'd stopped rolling.

I lay there on the iron-shelf-bunk being eaten up by resentment. But a quiet, deadly sort of resentment that seeks ways to act—not to speak. You get to realize the futility of argument—standing up for your "rights"—or demanding fair play. You know that they can and do, throw you in jail at any time and on any excuse. You realize that the less you say the better.

Jeeze, but that night was longer than long! Drunks kept stumbling in all night and each seemed to be wound up for an unending oration—shouting—cursing—reviling the jailer—the police—the government. What a relief when morning finally came! We got dish-water coffee, stale bread and a bit of fat bacon for breakfast. Then waited turns to go before the judge. Most places in California the vagrant is merely told to get out of town. The fish-faced, petty politician judge sized me up. I didn't look like a vote to him—didn't look like I had any friends who might take up my cause. He didn't even have a kind word or a bit of advice for me. He asked me how long it would take me to get out of town. I told him ten minutes. He said, as if speaking to a dog, "Git."

My next stop was Santa Barbara. By this time I was getting used to jails. I figured that there would be an unusually nice jail in a rich town like Santa Barbara. So I went voluntarily to the city jail and told the desk sergeant that I was cold, broke and hungry and would like to sleep the night in jail, but insisted on knowing that it would be for one night only. He took me into the tank, a large room with double-decks on all sides of it filled with dirty snoring men, white and black together. "You're in luck," he said, "there's an empty." He thrust an armload of fairly clean blankets upon me and left while I bedded down. The night was quiet save for snores, grunts and an occasional cough. Tough, but this

was jail at its best. Early in the morning the sergeant came in with a spray gun and ordered all blankets spread out and deloused. That is not done often in city jails. Then we were checked out without breakfast, being told "the Salvation Army is two blocks that way, etc."

Jail beckoned me again in Stockton. Picked up under the same sort of circumstances. I thought to myself this will be tough—the town looks hard and the jail will be no snap. My guess was right. The tank was badly crowded. There were quite a few Negroes, several Mexicans and Portuguese, while the rest would have been white if given a thorough bath. Some of them looked pretty bad and I knew then that I wasn't going to like the place. A number of the boys were serving terms of two years or more and were really out of the petty crook class. Naturally they were, or pretended to be, proud of that fact. I was no sooner settled when a nasty looking, bullet-headed Negro with a knife scar running from his forehead to his throat let out a bestial bellow and announced that "Kangaroo court will now come to order". It was all new to me for a "vag" doesn't often have to face a Kangaroo court. This mean-tempered Negro was the acknowledged judge because he was in for the longest term. He read the charge. I was accused of assaulting a colored girl on the main street in broad daylight. Knowing I'd better be agreeable, I plead guilty amid great guffaws from the audience. The judge said, "How much money you got, white boy?" The hell of it was I had about two dollars and was afraid not to admit it. My fine was exactly what I had. Damned if that didn't burn me up—getting robbed in jail and nothing to do about it.

A "vag" hasn't got a chance. A chance to go straight—to get work—learn respect for law and order and for his country. The odds against him are terrific. There are a thousand police—a thousand jailers—a thousand judges and a thousand hypocritically-philanthropic organizations all massed against the "vag". They are hundred per cent believers in class distinction. They might admit, in the privacy of their homes and off the record, that some of the drifting men and boys, whom they call by that ugly name, "vags", might be of good birth—might have qualities of honesty, ambition and sincerity within them. Might deserve a chance. But that is as far as it goes with them—just privately expressed opinions with no real feeling or desire for helpfulness back of the opinions. A "vag" has no home—save for a jail-for-the-night—and he actually has no country. The system has put him down and the system works to keep him down. The policeman thinks he is making a record for himself when he herds a gang of "vags" together and to the jail—the jailer pictures himself as a "protector" of the town citizens when he places the "vag" safely behind bars—and the judge righteously feels that he has done his duty when he brusquely shunts him out of town. These "servants of the people" don't ask themselves or care whether or not they have done something FOR the "vag". But they have done something for him. They've taught him that he is not their equal—that he is low—worthless—fit to associate with no one except other "vags". They have taught him that his home should be made of concrete floors and iron bars—that his room-mates should be hardened crooks. They have taught him that he is not wanted—everywhere he goes he is not wanted and is kicked on and on—always on—never given an honest, fair chance to stay in one place and fight for a foothold in society. He learns to hate these smug, smirking, hypocritical people who represent law and order. They teach him that good intentions—honest aims—ambition—and a desire to play the game right do not help him get a fair hearing

—do not help him better his lot in life. He learns that the sole measuring rod they use in estimating him and in measuring everyone is "How much money or influence has he?" And the "vag's" inevitable conclusion is "I must bear this quietly and look for a chance to strike back—strike back with as little mercy as they have shown me—but I must wait until the odds are more nearly even."

Some day, I believe, "freedom, liberty and equality for all" may be fairly demonstrated in this country. Some day the odds may be more even.

THE THEATER

BACILLI OVER CALIFORNIA

BY WINTHROP RUTLEGE

THE Pine Street Players have a certain distinction in San Francisco. They are, as far as I know, the only group depending solely upon the efforts of new playwrights for material. At regular intervals they bravely launch some new effort, untried except upon their tiny stage. They struggle against all sorts of physical handicaps, but a certain dogged sincerity, which shines across their footlights, keeps them going and endows their work with an inescapable merit. Such a group needs encouragement. Also it needs a purpose and a point of view. In a time fraught with the natural drama we have today it is not enough merely to establish a theater and put on plays. There never was any art for art's sake alone in the theater.

Not that the Pine Streeters entirely deserve the obloquy of Art-for-Art's-Sakers. In fact, their latest production, *The Yellow Horseman*, by George Burkhardt and Matthew Barnes, indicates that they are groping toward a purpose, a reason for existence. The virtue of the play is that it strives for a point of view, the weakness is that it loses its way in confusion.

The Yellow Horseman is set in the future, during the next war in the Orient. The locale is a Utah farming hamlet which has sent many sturdy sons to battle and is now barricading itself against a plague sweeping across the Pacific from the west. The state of California has been quarantined. A third of the population of San Francisco has died. Troops are being used to keep motorists from crossing the Sierras in eastward exodus. A fine theme for an indictment of war and its causes. A gripping drama could be made of it.

The first act begins, too, as though such were its purpose. We see the farmers complaining at small rations of inedible sugar, we see a once-respected neighbor hounded because he happens to be of alien birth and we see the arrogant and uncerebral young sheriff, a perfect pattern of a potential fascist. We hear wives and mothers complaining that their men have been sent to foreign battlefields. The stage is set for a fine display of the vicious forces in society that are unleashed in war time.

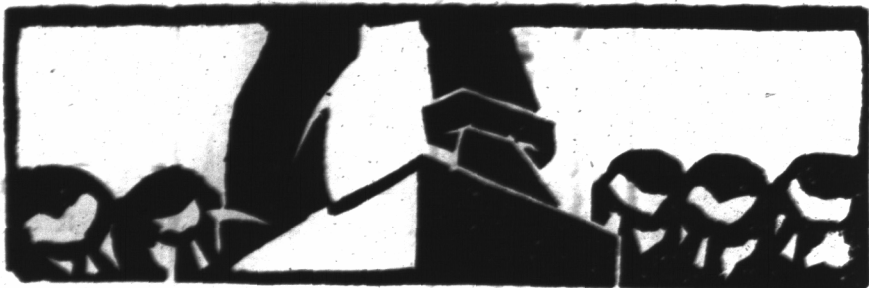
The second act, oddly the best dramatically, turns the play into the channel of vagueness and confusion in which it so abruptly ends. The scene switches to a quarantine station at

Ogden, with doctors assuming supreme command in the war against plague, a war in which ordnance, air forces and military engineering are helpless. Carriers have slipped through the blockade, the plague strikes near home, drastic measures are called for. Deaths are kept secret for fear that hospital staffs will stampede in utter demoralization.

In the third act we again go back to the Utah village and the play, which began with the mass, recedes to the problem of the individual. The background of war and imperialism fades off into a mist and the play becomes a horror drama, finding its denouement in the impromptu execution of the woman who is found to have brought the scourge across the forbidden border. This progression—or regression—from the mass to the individual is dangerous stuff at best. The classic dramatists dared it only when they had created individuals of heroic stature. The Messrs. Burkhardt and Barnes got themselves impaled upon a most obdurate snag when they tried to turn their audience's interest from the world tragedy of the first act to the demise of the miserable and hapless school ma'am of the third. Even the closing pistol shot, which brought a lady auditor shrieking from her seat the night I attended, could not convince the audience that the play had ended. It sat doggedly in its seats, as if silently insisting that what they had just seen must be but a staccato interlude in a drama which thereafter would pick up more of the threads it had unskinned in the first act. But, alas, it didn't, and the audience finally trudged homeward feeling a little let down and not knowing exactly why.

I devote this much space to *The Yellow Horseman* because in spite of its failure to be a satisfying drama it is a commendable effort, and one made under promising auspices. The second act was a tense and effective bit of drama and aided by Dwight Newton's able performance as the harassed doctor it was able to enthrall the interest of the audience completely. Thomas Hughes and Phil Mathias also contributed portrayals of journeymen quality. The rest of the cast was amateurish in varying degrees but uniform in its sincerity. My advice to Burkhardt and Barnes (should they be interested) is not to quit writing plays, but to read John Strachey's *The Coming Struggle for Power* and then write more of them. And since the Pine Street Players have shown that they do not object to a play with something resembling a social conscience, perhaps we may hope to see them tackling the like again, in less diluted doses.

EDWARD G. KUSTER, owner of the justly famous Theatre of The Golden Bough, which was ruined by fire two months ago, announces that he has leased his other Carmel theater, known as The Playhouse, to a group allied with the Filmarte Theatre in Hollywood. The lessees will call their Carmel theater "Filmarte" and will present motion pictures of the highest standard, according to the announcement. It will open September 17 with *Chu Chin Chow*.



BOOKS

IN TERMS OF BLACK AND WHITE

DEEP DARK RIVER, by Robert Rylee. (Farrar & Rinehart) \$2.50

(Reviewed by Eleanor Evans)

WITH Book-of-the-Month-Club plumes, this first novel by a young southern writer is distinguished from the parade of lightweight fiction by the sincerity and fervor of its purpose. Mr. Rylee, a Mississippian, draws his material from the share-cropping degenerate south which has become a familiar field to contemporary novels. Rylee, however, is concerned with a particular problem, the position of the Negro in the south, and this he dramatizes with a crusading passion which marks him off from the company of southern realists. When he is not taking time off to moralize, the author manages his material with vigor and direction.

The story, which moves with fine slow progression, follows the railroading of a farm Negro, Mose Southwick, for a murder which he has been forced to commit in self-defense. Mary Winston, a woman lawyer, undertakes his case, but is powerless against the precedent and corruption of white privilege in the south. Miss Winston is mouthpiece for a social consciousness which sees the rottenness of this system and pleads for the moral rehabilitation of the white south through the emancipation of the black.

In endowing his black protagonist with nobility, Rylee both enriches and softens his book. Mose is presented as an unusual Negro, a man who is able to build from within himself a spiritual victory over the circumstances which bring about his defeat. This makes him a more deeply interesting character than if he were drawn as completely typical of his race and class. This allows for something of the heroic to enlarge the sordid outlines of his tragedy. Yet at the same time it weakens the essential significance of this tragedy, which is one of class defeat. If a Scottsboro case has not yet made clear that in a trial which stirs the racial and economic enmity of black and white, justice is a rule by prejudice and privilege, bending law to the will of the class in power, then books such as Mr. Rylee's must be judged for social as well as literary value.

BUT NEAPOLITANS DON'T

LIONS STARVE IN NAPLES, by Johan Fabricius. (Little, Brown & Co.)

(Reviewed by David Cartwright)

EVEN if Pirandello, in search of America and a new literary *raison d'être* in a confused (for him) world, has not heard of Fontamara, there are not a few Americans for whom Ignazio Silone's fine novel is a revealing picture of contemporary Italy. They are not the same people for whom the Italo-Ethiopian threat resolves itself into the noble gesture of two national prides but a simple economic phenomenon, viz, the pursuit, by the mad caesar of a barren economy, of a fertile (?) field for expansion. Many of the faithless may have seen the suggestive title under review, and must have muttered to themselves, "Ah, satire by indirection," and settled down to

a heaping dish of irony. They, too, will have tasted a chilled and unseasoned sauce.

It seems to me once I read an idyllic love tale by Signor (or Herr) Fabricius, a tale, tender enough, which had as its locale Paraguay, or some such place. But in this year of our desolation twenty-one (on the authority of savant Lionel Robbins of the London School of Economics) Fabricius has chosen for his timely topic, the melancholy rise and fall of a German circus in Italy. Herr Direktor Storm plus a lion-tamer with an immobile face and character, a sphinx-like lady in the panther department, and sundry other features in tow, arrives in Naples on a high horse. For some time the Neapolitans contribute to the till, but unhappy days fall on the big tent and Naples leaves the lions to starve. Romance and Algerism enter the story in the person of a bright young barrister who saves the circus folk from inanition and gets the lions safely off to America where, it is understood, they will eat well in Tennessee. No more. That is all.

Because the story possesses neither art nor purpose, it may be well to look at Fabricius' Italy in which all this nonsense takes place. (It would be possible, I suppose, to make tragedy out of lions and drama from the aerial lives of trapeze performers, but Fabricius has not done it.) So what does the author have to say about the land of fascism, poverty, mutinies and good roads—oh, yes, and the drained Pontine marshes and the accurate choo-choos? As an example of anti-Fascist wit, this is the most superb piece I can find: "Inquisitive crowds were kept back by one solitary little fascist soldier," and I may have invented it. Naples and the depression have, it seems, no connection: "This southern city where the world crisis was not". Other comments appear to mock this Mediterranean surety: "the countless paupers of Naples who had neither bed nor fuel . . . the public hospitals would soon be filled to overflowing", with the advent of a cold spell. But Herr Direktor Storm, like all good fascists, large and small, "was weak enough in these hard times to look around for a scapegoat". No other evidence of the sunny Italian dictatorship or the fascist axe is mentioned, no confession of stress and turmoil and revolutionary hopes and work. So, unless you are more than ordinarily interested in the problems of the leonine diet, it would be as well to look elsewhere for news of Italy.

TYPES OF AUDIENCES

THE PSYCHOLOGY OF THE AUDIENCE, by H. L. Hollingworth. (American Book Co.) \$2.50

(Reviewed by Herman de Fremery)

THIS first book on its topic comes happily from the competent pen of an eminent psychologist. The author, who is professor at Columbia University, has long been interested in the psychology of appeal.

Audiences, he thinks, may be profitably classified into types depending on their degree of orientation toward the speaker. The lowest degree of orientation is represented by the "pedestrian audience", such as the group of transients on a busy street before whom the street corner orator sets up his box; here each individual is intent upon his special concerns and there are no significant preliminary relations between the members of the audience or between the members and the speaker. Banqueteers, for whom a "speaker of the evening" has been provided, are often in a somewhat analogous state.

A slight advance orientation is found in the "discussion group", and in the "passive audience" of miscellaneous persons assembled for some common, but simple and passive purpose, such as listening to a lecture or debate.

Further degrees of orientation, on which the speaker can build, are present in the "selected audience" of chosen people assembled for the purpose of taking action yet to be determined; in the "concerted audience" made up of those already having a sympathetic interest in a mutual enterprise; and in the "organized audience", where a common purpose is supported by a pre-existent organization of the members.

These types of audience determine, in large part, the tasks which the speaker must undertake. Following the principles of appeal derived from his studies of the psychology of advertising, Hollingworth thinks that the complete process of winning an audience may be conveniently analyzed into five tasks. The auditor's attention must be caught. His interest must be held. He must have the significant details impressed upon his memory. These details must convince or persuade him. His behavior must be influenced or directed in the specific way desired by the speaker.

To each of these tasks a chapter is devoted. Here the experimental material on the subject is brought together and critically evaluated, and, whenever possible, tentative scientific principles are formulated in respect to the psychology of the audience. Among the many topics examined are such things as: the effects of reading a lecture, of using notes, of reading versus summarizing quotations; the effectiveness of various ways of emphasizing statements; the best temporal order of arguments, climax or anti-climax (the former is traditional, the latter more effective); the reasoning of the average man; the laws of suggestion; the psychology of the slogan; the use of hate and fear; the determinants of belief.

Discussion of the influences of the physical characteristics of the auditorium, and of the audience itself on its members and on the speaker, lead to a final excellent chapter on the psychology of stage fright, its nature, its origin, and the principles of its cure.

Written for the layman, the book is commendable for its simple style and its sound scientific caution. Its practical usefulness will be enhanced for many readers by the brief and numbered "practical conclusions" which follow every chapter and summarize its findings.

EYES ON THE WORLD

A PHOTOGRAPHIC RECORD OF HISTORY IN THE MAKING, edited by M. Lincoln Schuster. (Simon & Schuster) \$3.75

(Reviewed by Joe Danysh)

HERE is a revealing pictorial anatomy of civilization for the years 1933-1935, a frank and exhaustive anatomy showing the cankers, the corruptions, the blindness, stupidity and chaos of a world gone berserk. No mere newsreel this; these pictures have not been censored and emasculated into matinee entertainment. On the contrary, Mr. Schuster has collected the stuff the newsreels omitted, and by the time you have thumbed through the first fifty pages you begin to wonder that you yourself belong to a race of beings capable of such ignorance, confusion and brutality as is reflected here.

The book has a plan, of course, but what editing Mr. Schuster has done he did for purposes of sequence and order.

rather than for the purposes of propaganda. In spite of captions, headlines and montage the book remains as objective as the camera eye itself.

The book opens with a general pictorial review of front page issues for 1934-35, and ends in general terms again with the last fifty pages under the caption "Man, Proud Man". The intervening sections are more specific. "The New Deal at the Crossroads" shows the seamy side of events that we are allowed to know through the regular channels of pictorial publication by their washed and shining Sunday faces only, unless we ourselves happen to be the victims. Fifty pages or so show the "Race between Intelligence and Catastrophe" in a pageant of such titles as "Storm over Cuba", "Blood and Iron in the Saar", "Roar, China", "Merchants of Death", "Wings over Europe", etc. However, not all of the book is blood and thunder—section V, captioned "People on Parade" finds in its pages, among other eminent ladies and gentlemen of the day, our own ubiquitous William Saroyan.

If you have recovered from the shocking discovery that there is no Santa Claus and are ready for the realities of life, get this book; if you still believe this is the best of all possible worlds, you'd better stick to *Puss in Boots*.

DIRECT STAB AT EMOTIONS

THEY SHOOT HORSES, DON'T THEY? by Horace McCoy. (Simon & Schuster) \$2

(Reviewed by Valentine Porter)

THIS first novel was not, I believe, written as propaganda. The author, it is true, has shown up in no slight terms the cruelty and degradation into which the present system in America has plunged our civilization, but he presents his story in a thoroughly objective, straightforward manner; there is no personal rancor nor bitterness in one who is thoroughly acquainted with his subject—he himself has been soda-jerker, strike-picketer, wrestler, bodyguard to a big-shot politician, California fruit-picker, and bouncer in a marathon dance contest.

They Shoot Horses, Don't They? deals with a boy and girl who happen to meet, jobless, in Hollywood. They agree to try their luck—anything to get a little money—in a marathon dance on a Santa Monica amusement pier. The girl is a wretched, bitter young creature whose only desire is to stop living as soon as possible, and who, in the meantime, is armed with a character as hard as nails and a good deal of unprintable language. The boy began his life with ideals of some sort, but his attempts to make the girl hope that things will "get better" are fruitless. As the marathon grinds on, an inhuman, relentless background to the story, his body and mind become drugged with fatigue, and dully he accepts her point of view. So, when the dance breaks up, after 900 hours, and the girl asks him to shoot her because she is tired of having to be alive, it is no surprise that he does so. He reasons it out justifiably to himself by remembering how his grandfather, long ago on the farm, mercifully shot an old horse because its life was no good to it. The boy is convicted of murder in the first degree.

The book is thoroughly moving, vivid, brutal. A dramatic touch is given by the set-up: the story, from the beginning, is revealed in the boy's memory while his death sentence is being read; before each chapter a continuation of the sentence is quoted—"the prisoner will now stand" is the first page of the book; "—and may God have mercy on your soul" (in

tremendous print) is the last. Obviously it makes a direct stab at the emotions, and what achieves this is the cold-blooded objectivity of the author's style.

The book is definitely well written; its simplicity makes it so. The subject material is new, and is treated in an unusual way. If you are willing to face still another concrete result of American economic and social disorder—and if you have a good strong stomach, this book is worth reading.

SHOWS UP HOKUM

GENETICS AND THE SOCIAL ORDER, by Mark Graubard. (Tomorrow, Pub., New York) 50¢

(Reviewed by Paul Archer)

THE author of this little book kicks the props from under the eugenists, anthropologists and race superiority advocates by the neat device of challenging their own "scientific" facts, and showing them to be largely hokum.

This he does by first giving a review, by way of introduction, of established facts of heredity (genetics), and evolution; then shows the application of this knowledge to Man, in his relation to environment. This is a strikingly clear summary of the established facts in these subjects, and though they may already be familiar to the reader, he will find himself stimulated to read on and on to the end. The author then shows the error of many accepted theories and beliefs with regard to eugenics and race difference, when viewed in the light of scientific facts established by controlled experiments.

Witness some of his conclusions:

"Since the concept of race had never been used in biology and never scientifically defined, it was easy prey for politicians and journalists to exploit it for their own purposes."

"The chances of two genetically well endowed individuals producing equally endowed offspring are very slight and seldom if ever occur."

"So far as capacities and temperament are concerned, no significant differences in their occurrence or distribution have as yet been detected in different human groups."

This treatise is an authoritative and clear statement of the science of heredity as applied to man, free from cant or technical jargon, convincing and enlightening.

CORRESPONDENCE

TO WHOM ARE YOU TALKING?

Editor, Pacific Weekly,
Sir:

I have just read Ray Studt's reply to my article, "Give the Church a Break"; and hasten to report that I think he's done a swell job. There are many in the Church who know what's wrong with it; Ray is one of the few who have taken decisive action on the basis of that knowledge—I honor him for that, as I respect him for the clarity of his statement in your columns.

There is nothing in his article with which I disagree; on occasion I have tried to say many of the same things. The only point I want to suggest to him, and to your readers, relates not to the material but to the audience. "The church," he

says, "must make a break. Giving it a break is futile."

Right! But to whom should that be said? My defence of the Church was addressed to liberals and radicals who have no use for the Church at all—and who, therefore, cannot help the Church to make a break unless they first give it one. What Ray has to say should be addressed, not to the free-minded readers of *Pacific Weekly*, but to the smug, contented dwellers within the walls of Zion.

I know that Ray has said it to them. I know also that—as he indicates—there are still some within the Church that are saying it too. And in pleading for intelligent support of these prophets, I know that he is cordially with me.
Oakland, Calif. George Hedley

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PACIFIC WEEKLY CONTRIBUTORS IN THIS ISSUE

A. L. WIRIN is an attorney for the American Civil Liberties Union.

JOE DANYSH is an art critic and had his own gallery in San Francisco. He is at present working on a *History of Art in California*, an SERA project.

ELEANOR EVANS was literary editor of the *Argonaut*, San Francisco weekly. She acted in stock with Lawrence Langner's Company and for a year in *After Dark*, Christopher Morley's Hoboken drama. She has published one novel and is at work on another.

DAVID CARTWRIGHT is a University of California graduate and a literary critic.

PAUL ARCHER is a biologist who contributes articles to scientific journals.

PETER QUINCE is a social worker in the West.

OWEN B. SHOEMAKER is a graduate of U. C. L. A. and now a freelance newspaper writer. He has, he tells us, "spent the last seven years 'hobo-ing', working at a wide variety of jobs—and no jobs".

VALENTINE PORTER is an undergraduate at Radcliffe College. She is the daughter of Susan Mott Porter and a niece of the late Jesse Lynch Williams.



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or the *Los Angeles Times*.

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